

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Case No: 20-43932-jmm

FANCHEST, INC.,

Chapter 11

Debtor.<sup>1</sup>

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**ORDER ON MOTION FOR ORDER PURSUANT TO  
BANKRUPTCY RULE 9019 APPROVING SETTLEMENT  
WITH PHOENIX GROWTH CAPITAL, LLC**

Upon the Motion **[ECF No. 126] (JMM)** dated May 25, 2021 (the “Motion”)<sup>2</sup> of Fanchest, Inc. (the “Debtor”), pursuant to Fed. R. Bankr. P. 9019, for an order approving the Settlement Agreement annexed to the Motion as Exhibit B; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and venue being proper before this Court pursuant 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the relief requested in the Motion being in the best interests of the Debtor and its estate and creditors; and the Court having reviewed the Motion and all responses; **and a hearing having been held on the Motion on June 23, 2021; (JMM)** and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted therein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the Motion is GRANTED and, consistent with the terms of the Settlement

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<sup>1</sup> (Federal Tax Id. No. xx-xxx 3182).

<sup>2</sup> Capitalized terms used but not defined in this Order shall have the meanings ascribed to them in the Motion.

Agreement, Phoenix Growth Capital, LLC shall have allowed claim in the amount of \$598,000.00 and the Debtor shall, by the later of June 30, 2021, or three (3) business days from (i) the effective date of this Order; or (ii) upon the filing of an amended Proof of Claim 16 in the amount of \$598,000.00, make payment in this amount to Phoenix Growth Capital, LLC; and it is further

**ORDERED**, that the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order; and it is further

**ORDERED**, that this Order shall be effective and enforceable immediately upon entry and shall constitute a final order within the meaning of 28 U.S.C. § 158(a). To the extent applicable, Bankruptcy Rule 6004(h) is hereby waived.

**Dated: Brooklyn, New York  
June 29, 2021**



  
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**JH Mazer-Marino**  
**United States Bankruptcy Judge**